

Att'y Dkt. No. US-109 U.S. App. No. 10/784,986

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hirano et al. Art Unit: 1652

Appl. No.: 10/784,986 Examiner: to be assigned

Filing Date: February 25, 2004 Atty. Docket: US-109

Title: Novel Lysine Decarboxylase Gene and Method

for Producing L-Lysine

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

☑1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

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	The Information Disclosure Statement is being filed more than three months after the U.S. filing ND after the mailing date of the first Office Action on the merits, but before the mailing date of a dejection or Notice of Allowance.
	□a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
	□b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
	☐c. Attached is our check no in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(p).
Issue F	This Information Disclosure Statement is being filed more than three months after the U.S. filing d after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the ee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached theck no in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).
	□a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
	□b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
□4. pages	Relevance of the non-English language document(s) is discussed in the present specification. See of the specification of the present application.
	The document(s) was/were cited in a corresponding foreign application. A copy of a search ssued in the foreign application is attached. An English language version of the foreign search s attached for the Examiner's information. M.P.E.P. § 609 (A)(3).
□6. hereto	A concise explanation of the relevance of the non-English language document(s) is attached or papears below.

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□ 7.	The Examiner's attention is directed to co-pending U.S. Patent Application No, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.					
□8.	Copies of the documents were cited by or submitted to the Office in Application No, filed, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).					
9 .	Other: .					
	It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449,					
and to	indicate in the official file wrapper of this patent application that the documents have been					
conside	ered.					
	Respectfully submitted,					
	By: Shelly Guest Cermak					
	Reg. No. 39,571					

Date: <u>June 3, 2004</u>

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PATENT TRADEMARK OFFICE

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		FILING DATE:	Gro

ATTY. DKT. NO.: US-109 APP. NO.: 10/784,986

APPLICANT(S): Hirano et al.

FILING DATE: Group Art Unit:
February 25, 2004 1652

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	USP 5,827,698	27 Oct. 1998	Kikuchi et al.	435	115	5 Dec. 1995

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
,	EP 1 188 822	20 Mar 2002	EPO	C12N	1/21	□Yes □ No
						□Yes □ No
						□Yes □ No
						□Yes □ No

OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)

	Yumiko Takatsuka et al., Gene Cloning and Molecular Characterization of Lysine Decarboxylase from Selenomonas
İ	ruminantium Delineate Its Evolutionary Relationship to Ornithine Decarboxylase from Eukaryotes, JOURNAL OF
	BACTERIOLOGY, Dec 2000, p. 6732-6741, Vol. 182, No. 23
	Yong-Sung Lee et al., Identification of essential active-site residues in ornithine decarboxylase of Nicotiana glutinosa
	decarboxylating both L-ornithine and L-lysine, Biochem. J., 2001, p. 657-665,360
	Blattner et al., AAC 77092, 01 December 2000, NCBI database
	Blattner et al., AAC 77078, 01 December 2000, NCBI database
	Blattner et al., AAC 73297, 01 December 2000, NCBI database
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DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.